

**MINUTES OF THE ORDINARY MEETING OF THE CESSNOCK CITY
COUNCIL HELD IN THE COUNCIL CHAMBERS ON 21 NOVEMBER 2007,
COMMENCING AT 8.43PM**

PRESENT: His Worship the Mayor, Councillor J Clarence (in the Chair) and Councillors Bedford, Davey, Olsen, Pynsent, Scott, Maybury, Parsons, Troy, Besoff, Ryan, Main and Smith.

IN ATTENDANCE: General Manager, PA to General Manager
Acting Director Corporate & Regulatory Services (Development Services Manager), Corporate Administration Assistant
Director Works & Services
Acting Director Strategic & Community Services (Cultural Services Manager)

MINUTES: **MOTION**
Moved: Councillor Besoff **Seconded:** Councillor Parsons.
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RESOLVED that the Minutes of the Ordinary Meeting of the Council held on 7 November 2007, as circulated, be taken as read and confirmed as a correct record.

STRATEGIC & COMMUNITY SERVICES COMMITTEE

OFFICER'S REPORTS

AMENDMENT Moved: Councillor Ryan **Seconded:** Councillor Olsen
that:-

1. Strong representations be made to the Premier, Ministers for Planning and Local Government, Local Member and Hunter Councils advising of the potential implications of the new legislation on the provision of infrastructure and Council's finances and seeking a review thereof.
2. Those representations to include Council's concerns that the actions by the Planning Minister reduce Council's ability to fund local pools, libraries, open space and children's playgrounds as part of Council's community facilities.
3. The NSW Government defer the imposed deadline of 12 November 2007 to 1 July 2008 to enable Voluntary Planning Agreements and Section 94 Plans near finalisation and under negotiation to be implemented.

The Amendment was Put and **LOST**

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The Motion was then Put and **CARRIED**

STRATEGIC & COMMUNITY SERVICES COMMITTEE

OFFICER'S REPORTS

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES REPORT NO. 133/2007

SUBJECT: DRAFT CESSNOCK LOCAL ENVIRONMENTAL PLAN 2008 AND
DRAFT CITY WIDE SETTLEMENT STRATEGY 2007

MOTION **Moved:** Councillor Pynsent **Seconded:** Councillor Troy
that:

1. Council seek Written Authorisation to Exercise Delegations from the Department of Planning to allow exhibition of the draft Plan;
2. Upon receipt of the Authorisation, Council publicly exhibit the draft Plan in conjunction with the draft City Wide Settlement Strategy 2007 and the consequential amendments to Cessnock Development Control Plan 2006 in accordance with the Environmental Planning and Assessment Act, 1979, for a period of ten (10) weeks; and
3. Council consider a further report following exhibition to determine the final content and form of the Cessnock Local Environmental Plan 2008, City Wide Settlement Strategy 2007 and Cessnock Development Control Plan 2008.
4. Prior to exhibition of the draft Cessnock Local Environmental Plan, the HEZ identification area as shown on the draft Local Provisions Map and the subject land map in Part E6 HEZ of the Cessnock DCP 2006 be amended to remove the areas associated with the E1 National Park and Nature Reserve Zone as no longer having application to the HEZ area.
5. The application for rezoning of the site identified as Mt View Road, Millfield from Rural 1(a) to R5 Large Lot Residential, with provision for a lot size of 1000 sq metres and a yield of 280 lots, be agreed and the City Wide Settlement Strategy 2007 and the Draft LEP 2008 be amended accordingly and exhibited.
6. The application for rezoning of the site identified as Nulkaba, Valley View Place from Rural 1(c) to R5 Large Lot Residential with sizes of 1500 sq metres and a yield of 246 lots, be agreed and the City Wide Settlement Strategy 2007 and the Draft LEP 2008 be amended accordingly and exhibited.
7. Council nominate the Sawyers Gully precinct (the area bounded by Metcalfe Lane, Gingers Lane, Sawyers Gully Road and Pit Lane) as an investigation area in the first review of the City Wide Settlement Strategy.

STRATEGIC & COMMUNITY SERVICES COMMITTEE

OFFICER'S REPORTS

AMENDMENT Moved: Councillor Ryan **Seconded:** Councillor Olsen
that the report be **DEFERRED** for a future Council Briefing.

The Amendment was Put and **LOST**.

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The Motion was then Put and **CARRIED**.

Councillors Ryan, Olsen and Main wished their names be recorded as having voted against the Motion.

**ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES
REPORT NO. 134/2007**

SUBJECT: REQUEST FOR DONATION - WE HELP OURSELVES, HUNTER VALLEY

MOTION Moved: Councillor Scott **Seconded:** Councillor Besoff
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RECOMMENDED that \$1,000 be donated to "We Help Ourselves" Hunter Valley.

CARRIED

**ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES
REPORT NO. 135/2007**

SUBJECT: REPORT OF THE CESSNOCK CITY COUNCIL LOCAL TRAFFIC COMMITTEE MEETING HELD ON 22 OCTOBER 2007

MOTION Moved: Councillor Pynsent **Seconded:** Councillor Maybury
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RECOMMENDED that Council endorse the report of the Cessnock City Council Local Traffic Committee meeting held on 22 October 2007

CARRIED

QUESTIONS WITHOUT NOTICE

Councillor Davey

SMOKEFREE OUTDOOR AREAS

Question:

Councillor Davey asked whether Council are considering applying for grant funding for Smokefree Outdoor Environments.

Answer:

The General Manager advised that Council is considering applying for the grant.

Councillor Davey

DERELICT HOUSE – 45 ALEXANDER STREET, CESSNOK

Question:

Councillor Davey asked the status of a derelict house at 45 Alexander Street, Cessnock.

Answer:

The Acting Director Corporate & Regulatory Services advised that the matter would be investigated.

Councillor Davey

PARKING VINCENT STREET

Question:

Councillor Davey asked for the removal of landscaping opposite the Performing Arts Centre in Vincent Street to create additional car parking in that area.

Answer:

The General Manager advised that the matter would be investigated.

Councillor Davey

MULTI-PURPOSE CENTRE – DUDLEY STREET

Question:

Council Davey asked the status of the relocation of the Multi-Purpose Centre in Dudley Street.

Answer:

The General Manager advised that the relocation will no longer be taking place.

STRATEGIC & COMMUNITY SERVICES COMMITTEE

QUESTIONS WITHOUT NOTICE

Councillor Olsen

COMPASS HOMES

Question:

Council Olsen advised of an article in the newspaper advising of Compass Homes successful tendering of \$2.6million project to build houses in the Hunter and asked

Answer:

The General Manager advised that at this stage Council has agreed in principle to provide up to 9 blocks at a discounted price. This proposal by Compass only required 5 blocks.

Councillor Besoff

GRAFFITI POLICY

Question:

Councillor Besoff advised of an incident of graffiti in Kurri and asked why Council does not report all incidents of graffiti to the Police.

Answer:

The General Manager advised that the matter would be investigated.

Councillor Besoff

WORKSITES

Question:

Councillor Besoff advised of an incident whereby Councillor Ryan visited a work site in Camp Road, Greta and discussed the works with Council employees and asked whether Councillor Ryan had special privileges to do so.

Answer:

The Director Works & Services advised that yes, Councillor Ryan did visit the site and yes, he did discuss with works with the employees.

Councillor Bedford

VINCENT STREET/MAITLAND ROAD INTERSECTION

Question:

Councillor Bedford asked whether a designated left hand turn lane could be established at the intersection of Vincent Street/Maitland Road.

Answer:

The Acting Director Strategic & Community Services advised that the matter would be referred to the Traffic Committee.

STRATEGIC & COMMUNITY SERVICES COMMITTEE

QUESTIONS WITHOUT NOTICE

Councillor Bedford

HANSEN CONCRETE

Question:

Councillor Bedford asked Council to follow-up condition preventing sale of any lots prior to construction of the intersection on Maitland Road.

Answer:

The Acting Director Corporate & Regulatory Services advised that the matter would be investigated.

Councillor Parsons

ANSTEY STREET ROADWORKS

Question:

Councillor Parsons asked whether the unrestricted car park that has been created as part of the Anstey Street roadworks could be changed to restricted parking either ½ hr or 15 minutes.

Answer:

The Acting Director Strategic & Community Services advised that the matter would be referred to the Traffic Committee.

Councillor Troy

MEETING POLICE MINISTER

Question:

Councillor Troy asked what the status was regarding a meeting with the Police Minister.

Answer:

The General Manager advised that he was still awaiting a reply from the Minister.

Councillor Troy

CCTV

Question:

Councillor Troy advised of promises being made in regard to the election in the Paterson Electorate regarding CCTV cameras and asked whether Council could make representations to our Federal Member for funding.

Answer:

The Mayor advised that he had raised the matter with the Federal Member and the matter would be pursued.

STRATEGIC & COMMUNITY SERVICES COMMITTEE

QUESTIONS WITHOUT NOTICE

Councillor Scott

PARKING VINCENT STREET

Question:

Councillor Scott referred to an earlier question asked by Councillor Davey and stated that there was a bus stop outside Centrelink that could be moved and make way for at least an extra four car parking spaces.

Answer:

The Acting Director Corporate & Regulatory Services advised that the matter would be referred to the Traffic Committee.

Councillor Scott

HANSEN CONCRETE

Question:

Councillor Scott asked when a decision is likely to be made by the RTA regarding the approach on Maitland Road from Hansen Concrete.

Answer:

The Acting Director Corporate & Regulatory Services advised that the matter would be investigated and Councillors advised.

Councillor Scott

INFLATABLE SWIMMING POOLS

Question:

Councillor Scott advised the requirements for child resistant barriers wasn't quite clear with regard to water depth >300mm and definition of a swimming pool and asked if the matter would be clarified.

Answer:

The Acting Director Corporate & Regulatory Services advised that swimming pools capable of being filled to a depth of greater than 300mm required child resistant barriers, however fountains and fish ponds were not classified as swimming pools.

STRATEGIC & COMMUNITY SERVICES COMMITTEE

QUESTIONS WITHOUT NOTICE

Councillor Maybury

DONALDSON/TASMAN MINES

Question:

Councillor Maybury advised of the possible cut back in quotas at the above mines and asked if Council could provide the Mines with a letter of support.

Answer:

The General Manager advised that this will be done.

Councillor Ryan

ELFORD AVENUE, WESTON

Question:

Councillor Ryan advised of roadworks in Elford Avenue whereby the verge of the road was repaired and then the next day major road maintenance was carried out and the earlier works ripped up. Councillor Ryan asked whether this was common practice.

Answer:

The Director Works & Services advised that the matter would be investigated and the Councillors advised of the outcome.

Councillor Ryan

CAMP ROAD INTERSECTION

Question:

Councillor Ryan asked various questions regarding the roadworks at the intersection of Camp Road.

Answer:

The Director Works & Services advised that he had answered all of Councillor Ryan's answers in an email to him today.

STRATEGIC & COMMUNITY SERVICES COMMITTEE

QUESTIONS WITHOUT NOTICE

Councillor Ryan

SECTION 12 LOCAL GOVERNMENT ACT

Question:

Councillor Ryan asked why, as his request to view the Mayor's Appointment Diary under Section 12 of the Local Government Act was refused, the matter had not been reported to Council as required.

Answer:

The General Manager advised that as the diary was not a document covered under Section 12 then these provisions were not applicable in this instance.

Councillor Ryan

CAMPAIGN DONATIONS

Question:

Councillor Ryan asked Councillor Pynsent whether he would be declaring an interest in any matters that come before Council that have a direct link to any donors associated with the HEZ.

Answer:

Councillor Pynsent advised that he would assess his interest when the Development Application is scheduled to be before Council.

Councillor Besoff

LANG STREET, KURRI KURRI

Question:

Councillor Besoff asked whether a crossing could be constructed in Lang Street Kurri Kurri below the two childcare centres that exists in this location.

Answer:

The Acting Director Strategic & Community Services advised that the matter would be referred to the Traffic Committee.

MOTION **Moved:** Councillor Davey **Seconded:** Councillor Pynsent
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RESOLVED that the report of the Strategic & Community Services Committee be
ADOPTED.

**REPORT OF THE CORPORATE & REGULATORY SERVICES COMMITTEE
MEETING HELD ON 21 NOVEMBER 2007**

DEFERRED BUSINESS

**ACTING DIRECTOR CORPORATE & REGULATORY SERVICES
REPORT NO. 97/2007**

DEVELOPMENT APPLICATION NO: 8/2007/609/1
APPLICANT: VAPOLA PTY LTD
OWNER: MR C R LACEY
PROPERTY: LOT 1011 DP 1093073 NO. 65 O'SHEA
CIRCUIT CESSNOCK
AREA: 812 SQUARE METRES
ZONING: RESIDENTIAL 2(A)
PROPOSAL: ATTACHED DUAL OCCUPANCY

MOTION **Moved:** Councillor Pynsent **Seconded:** Councillor Davey
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RECOMMENDED that Development Application No 8/2007/609/1 for the construction of an attached dual occupancy on Lot 1011 DP 1093073 No 65 O'Shea Circuit Cessnock, be approved subject to the following conditions:-

SCHEDULE 1

TERMS OF CONSENT

General

1. The erection of a building in accordance with a development consent shall **not** be commenced until:-
 - (a) detailed plans and specifications of the building have been endorsed with a **construction certificate** by:-
 - (i) the consent authority; or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:-
 - (i) has **appointed a principal certifying authority**, and
 - (ii) has notified Council of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days notice to the Council of the persons intention to commence erection of the building.

Reason

To ensure the applicant complies with the provision of the Environmental Planning and Assessment Act 1979 (as amended).

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

2. The proposed development shall be carried out strictly in accordance with the details set out on the application form, and the Plans numbered Sheet 1, Drawing No.0918-A101 – Revision D dated October, 2007 and Sheets 2-4, Drawing No.0918-A101, Revision C dated July, 2007, the Statement of Environmental Effects and any other information submitted in support of the application, except as modified by the conditions of this consent.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason

To confirm and clarify the terms of Council's approval.

3. All building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

Reason

This is a prescribed condition under Section 80A(11) of the Environmental Planning and Assessment Act, 1979.

4. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates:-

(A) in the case of work for which a principal contractor has been appointed:

- (i) has been informed in writing of the name and licence number of the principal contractor, and
- (ii) where required has submitted an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act,

(B) in the case of work to be done by an owner-builder:

- (i) has been informed in writing of the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, has submitted a copy of the owner builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause 1 of this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development has been given written notice of the updated information.

Reason

This is a prescribed condition under Section 80A(11) of the Environmental Planning and Assessment Act, 1979.

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

Building Construction

5. Development shall be undertaken strictly in accordance with all commitments specified in the current BASIX Certificate.

Reason

Compliance with the Environmental Planning and Assessment Regulation 2000.

Access, Carparking and Loading Arrangements

6. All access crossings and driveways shall be maintained in good order for the life of the development.

Reason

To ensure that a safe adequate all-weather access is available to the development

Site Works

7. This consent allows the removal of trees and other vegetation from the site of approved buildings, structures, permanent access ways and carparks. It also allows for the removal or lopping of trees within three (3) metres of approved buildings. No other trees or vegetation shall be removed or lopped except with prior written consent of Council.

Reason

To ensure that only trees and vegetation directly affected by the development are removed from the site, and to grant approval for such removal.

Landscaping

8. Landscaping works shall be carried out in accordance with the details indicated on the submitted landscape design plan, except as required to be modified under the terms of this consent.

Reason

To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development, to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

General

9. The applicant shall submit to Council evidence that the requirements of Energy Supplier, the Hunter Water Corporation and telecommunications authorities have been met in regard to the provision of services provided by those authorities to the subdivision. Such evidence shall be submitted to and approved by Council prior to endorsement of the final plan of survey and release of the Subdivision Certificate.

Reason

To ensure that adequate services are provided to each new lot created.

10. Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporatisation) Act 1991. Such evidence shall be submitted Council prior to the release of the final plan of survey for the subdivision and the Subdivision Certificate.

Reason

To ensure compliance with the Hunter Water Corporation requirements for the supply of water and sewerage to the new lots created.

Access, Carparking and Loading Arrangements

11. The Registered Proprietors shall construct a five and a half (5.5) metre wide reinforced concrete access crossing from the kerb and gutter to the property boundary, including a layback in the kerb, in accordance with Council's Engineering Requirements for Development (available at Council's offices) and Australian Standard 2890.1 & 2 with respect to location, size and type of driveway. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the building.

Reason

To ensure the provision of safe, adequately defined and properly constructed means of vehicular access from the road to the development.

12. On-site car parking shall be provided for a minimum of four (4) vehicles and such being set out generally in accordance with Council's Car Parking Code. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the building.

Reason

To ensure that adequate provision has been made for manoeuvring and parking of vehicles within the development or on the land, to meet the expected demand generated by the development.

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

13. All driveways, access corridors and carparking areas are to be designed in accordance with AS2890.1 & 2 - Parking Facilities. The carparking areas shall be constructed with reinforced concrete, graded and drained in accordance with Council's 'Engineering Requirements for Development'. Full details shall be provided with an application for a Construction Certificate for the driveways, access corridors and car parking areas.

Reason

To ensure the orderly and efficient use of on-site parking facilities and ensure that adequate provision is made on-site for the loading and unloading of goods.

Drainage and Flooding

14. Any alterations to existing surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties. Full details of existing and proposed surface levels shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

Reason

To ensure that such alterations to surface levels do not disrupt existing stormwater flows in the vicinity.

15. The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate.

Reason

To ensure that on site stormwater runoff is properly collected and conveyed to an appropriate drainage facility.

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

Fees, Development Contributions, Monetary Bonds, Dedication of Land

16. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 towards the provision of public amenities and public services in the contribution types below.

CONTRIBUTION TYPE	\$
District Open Space	1,116
District Community Facilities (Halls)	683
District Community Facilities (Libraries)	183
District Community Facilities (Bushfire)	52
District Roads – Urban Areas	845
Studies (Plan Preparation)	64
Plan Administration	244

At this time the total contribution required is \$3,187.00 and is to be paid prior to the release of the **Construction/Subdivision/Occupation (delete as appropriate)** Certificate.

NOTE:

- i) A copy of the Residential Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administrative Building, Vincent Street, Cessnock or can be accessed on Council's Website: www.cessnock.nsw.gov.au
- ii) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index – All Groups – Sydney. Indexation of contributions for payment occurs quarterly, on the first working day of December, March, June and September.

Reason

To assist the Council in meeting the expected increased demand for public facilities and services arising as a consequence of the proposed development, and to ensure that the real value of contributions is not deflated by price movements.

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

DURING CONSTRUCTION

General

17. If the soil conditions require it:-
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) adequate provision must be made for drainage.

Reason

To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.

18. If the excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:-
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, **allotment of land** includes a public road and any other public place.

Reason

To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

19. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, however must be removed when the work has been completed.

Reason

This is a prescribed condition under Section 80A(11) of the Environmental Planning and Assessment Act, 1979.

20. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

Reason

To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

21. Construction, demolition and associated work shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00a.m. to 6.00p.m.
Saturdays	8.00a.m. to 1.00p.m.
Sundays & Public Holidays	No construction work to take place.

Reason

To ensure that the environmental quality of adjoining land is not adversely affected, such as by the generation of excessive noise levels.

22. A container of at least one (1) cubic metre capacity shall be provided and maintained from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste.

Reason

To ensure that waste generated by the building works is contained and does not pollute the surrounding environment.

23. All building materials, plant and equipment is to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

Reason

To ensure pedestrian and vehicular access is not restricted in public places.

24. The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason

To ensure that any required alterations to utility infrastructure are undertaken to acceptable standards at the developer's cost.

Building Construction

25. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards.

Reason

To ensure that all excavations on the site are maintained in a safe condition.

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

26. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason

To ensure that all excavations on the site are maintained in a safe condition.

Site Works

27. The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council's "Engineering Requirements for Development", Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements and the Department of Housing 'Soil and Water Management for Urban Developments'. Erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

Reason

To ensure protection of the environment by minimising erosion and sediment.

28. No obstruction is to be caused to Council's footpaths, roads and/or other public area during construction of the development.

No spoil, building materials, excavated or demolition material from the site shall be stored or deposited on the public road, footpath, public place or Council owned property, without prior approval of Council.

Reason

To ensure that construction activity does not interfere with the orderly use of public footpaths, roads or places, or Council owned property.

Scheduling of Inspections

29. The applicant is to advise Subdivision and Engineering Co-Ordinator at least 48 hours prior to commencement of any construction works on site or associated with the site, together with the approved contractor's name and address.

Reason

To enable orderly scheduling of inspections

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

PRIOR TO OCCUPATION

General

30. Prior to the issue of an Occupation Certificate the applicant shall provide Council with appropriate certification to confirm that all of the building, other works and associated development have been constructed strictly in accordance with the provisions of the Development Consent and Construction Certificate.

Reason

To ensure that the building and other works have been constructed in accordance with the Development consent and Construction Certificate prior to the issue of the Occupation Certificate and use of the building.

31. Occupation or use of premises for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with and the Occupation Certificate has been issued.

Reason

To ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979, and Council's terms of consent

Building Construction

32. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water and to ensure the free flow of water away from the building and adjoining properties.

Reason

To reduce the risk of environmental and building damage.

ADVICE

1. Where Council is the Principal Certifying Authority, the applicant shall pay engineering site supervision fees in accordance with Council's current fees and charges with the application for a Construction Certificate for the site. Initially, one (1) site visit only is expected for the proposal, however should further inspections become necessary as a result of incomplete works, then those site supervision fees will be separately invoiced. Council's current engineering site supervision fee is \$187.00.

Reason

To ensure that the developer meets all costs associated with the inspection of necessary works associated with the development.

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

2. CHILD SAFETY INFORMATION

Each year in New South Wales approximately 150 children are admitted to hospital with scald injuries caused by hot tap water.

Statistics indicate that 93% of hot tap burns occur in the bathroom. Most household water heaters supply HOT WATER at 65 to 75 degrees Celsius.

At 60 degrees Celsius it takes ONE SECOND for a child to incur third degree burns.
At 50 degrees Celsius it takes FIVE MINUTES for a child to incur third degree burns.

The temperature of hot water delivered to bathrooms can be reduced by installing one of the following devices:-

- (a) a tempering device
- (b) a thermostatic mixing valve
- (c) a temperature control device

Council recommends that one of the above devices be installed during construction to reduce the risk of scalding in the bathroom.

CARRIED

CORPORATE & REGULATORY SERVICES COMMITTEE

DEFERRED BUSINESS

**ACTING DIRECTOR CORPORATE & REGULATORY SERVICES
REPORT NO. 98/2007**

DEVELOPMENT APPLICATION NO: 8/2007/648/1
APPLICANT: MOBARO PTY LTD, T/A JONES HOMES
OWNER: MO CHURSLEY FAMILY TRUST
PROPERTY: LOT 602 DP 1067861 NO. 39 O'SHEA
CIRCUIT CESSNOCK
AREA: 1002 SQUARE METRES
ZONING: RESIDENTIAL 2(A)
PROPOSAL: ATTACHED DUAL OCCUPANCY

MOTION **Moved:** Councillor Pynsent **Seconded:** Councillor Bedford
786

RECOMMENDED that Development Application No 8/2007/648 for an attached dual occupancy on Lot 602 DP 1067861 No 39 O'Shea Circuit Cessnock, be refused for the following reasons:-

- i) The design of proposed dual occupancy is out of character with other dwelling and dual occupancy developments within the locality.
- ii) The design of the proposed development is contrary to the restriction placed on dual occupancy development under the 88B Instrument for the subdivision.
- iii) Having regard to the circumstances of the case it is considered that approval of the application in its present form would not be in the public interest

CARRIED

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

**ACTING DIRECTOR CORPORATE & REGULATORY SERVICES
REPORT NO. 99/2007**

SUBJECT: INVESTMENTS

MOTION **Moved:** Councillor Pynsent **Seconded:** Councillor Davey
786
RECOMMENDED that the information be noted

CARRIED

POLICY

**ACTING DIRECTOR CORPORATE & REGULATORY SERVICES
REPORT NO. 100/2007**

SUBJECT: POLICY – ACCESS TO INFORMATION

MOTION **Moved:** Councillor Davey **Seconded:** Councillor Smith
that Council endorse the revised Access to Information Policy as Council policy.

AMENDMENT **Moved:** Councillor Ryan **Seconded:** Councillor Olsen

1. that Council endorse the revised Expenses and Facilities Policy as Council policy.
2. The photocopying charges be set at a rate of 24c per page for A4 and 50c per page for A3.

The Amendment was Put and **CARRIED** and as such became the Motion.
786
The Motion was then Put and **CARRIED**.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

ACTING DIRECTOR CORPORATE & REGULATORY SERVICES REPORT NO. 101/2007

DEVELOPMENT APPLICATION NO: 8/2006/921/1
APPLICANT/OWNER: GREEN PARK PROPERTIES P/L
PROPERTY: DP 237685 LOT 5 57 MAITLAND STREET
BRANXTON 2335
AREA: 1200M2
ZONING: 3 (A)
PROPOSAL: COMMERCIAL PREMISES COMPRISING
FOUR (4) RETAIL/COMMERCIAL SHOPS

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Pynsent
786

RECOMMENDED that:-

1. Council undertake a review of Policy B30.10.
2. DA 8/2006/921/1 for the construction of 4 commercial units at 57 Maitland Road Branxton be approved subject to the following conditions of consent:-

General

1. The erection of a building in accordance with a development consent shall **not** be commenced until:-
 - (a) detailed plans and specifications of the building have been endorsed with a **construction certificate** by:-
 - (i) the consent authority; or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:-
 - (i) has **appointed a principal certifying authority**, and
 - (ii) has notified Council of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days notice to the Council of the persons intention to commence erection of the building.

Reason

To ensure the applicant complies with the provision of the Environmental Planning and Assessment Act 1979 (as amended).

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

2. The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended in red by Council, or as modified by these further conditions.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason

To confirm and clarify the terms of Council's approval.

3. The applicant shall comply with the requirements of the Hunter Water Corporation Ltd., in respect of any building or structure proposed to be erected over any services or sewer main under the corporations control.

Reason

To protect the Corporations infrastructure from site development works.

Access, Carparking and Loading Arrangements

4. All access crossings and driveways shall be maintained in good order for the life of the development.

Reason

To ensure that a safe adequate all-weather access is available to the development

5. All vehicles accessing the site should enter / exit the site in a forward direction.

If garbage collection vehicles are unable to satisfy this condition, appropriate arrangements are to be made with Council for the approval of a garbage store facility and curb side waste collection.

Reason

To uphold the recommendations of the NSW RTA and to maintain the safety of motorists and pedestrians.

6. The driveway shall be splayed to ensure that service vehicles exiting the site do not encroach onto the central median.

Reason

To uphold the recommendations of the NSW RTA and to maintain the safety of motorists and pedestrians.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

7. Appropriate consideration should be given to pedestrian safety and sight lines on the New England Highway footpath with respect to building design and vehicles exiting the site.

Reason

To uphold the recommendations of the NSW RTA and to maintain the safety of motorists and pedestrians.

8. All works are to be undertaken to RTA and Council requirements at full cost to the developer, to the satisfaction of the RTA and Council.

Reason

To uphold the recommendations of the NSW RTA and to inform the applicant of Councils requirements.

9. This consent provides approval for the following uses as defined by the Cessnock Local Environment Plan 1989:

- * Unit 1: Commercial premises
- * Unit 2: Video Store
- * Unit 3: Retail shop
- * Unit 4: Retail shop

The use of the premises for any other purpose will require the lodgement of a formal development application to Council. No advertising signs shall be erected on the building unless consistent with Councils "exempt development" or an approved development application.

Reason

To clarify the terms of approval.

Lighting

10. Sensor lighting shall be installed at the rear of the complex.

Reason

To prevent anti social behaviour after dark.

11. Any proposed floodlighting of the premises shall be so positioned, directed and shielded so as not to interfere with traffic safety or detract from the amenity or project glare onto the adjacent premises.

Reason

To ensure that the proposal does not interfere with traffic safety and to protect the existing amenity of the neighbourhood.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

12. No flashing, chasing or scintillating lighting or promotional material of a visually intrusive nature shall be installed or displayed on the exterior of the premises.

Reason

To protect the existing amenity of the neighbourhood.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

General

13. Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporatisation) Act 1991. Such evidence shall be submitted Council prior to the release of the Construction Certificate.

Reason

To ensure compliance with the Hunter Water Corporation requirements for the supply of water and sewerage to the new development.

Design Considerations/Building Setbacks

14. The proposed building/s shall be provided with access and facilities for the disabled in accordance with AS 1428.1.1. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

Reason

To ensure there is adequate access and facilities for the disabled.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

Access, Carparking and Loading Arrangements

15. Access shall be restricted to left in / left out only. This will require extending the existing raised median strip on the New England Highway to prevent right turn movements in and out of the site.

The above works shall be completed to the satisfaction of the RTA and Council prior to issue of the Construction Certificate for the building or civil works.

The applicant will be required to enter into a works authorisation deed with the RTA. In this regard the applicant is required to submit detailed design plans and all relevant additional information, as may be required by the RTA's Works Authorisation Deed documentation, for each specific change to the state road network for the RTA's assessment and final decision concerning the work.

Note: The conditions of consent set by council do not guarantee the RTA's final consent to the specific road work, traffic control facilities and other structures works on the classified road network. The RTA must provide a final consent for each specific change to the state road network prior to the commencement of any work.

Reason

To maintain consistency with the RTA terms of consent and to maintain traffic safety during construction.

Drainage and Flooding

16. The registered proprietor of the land is to provide a stormwater detention facility within the boundaries of the site to reduce the peak stormwater discharge from the developed lot to that of the peak stormwater discharged from the undeveloped lot for all storm events from the 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm event. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property, to the street gutter. Details of on-site storage and the method of controlled release from the site and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

The detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate.

Note: Construction shall be completed prior to the release of the Occupation Certificate.

Reason

To ensure that the development is adequately drained and will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

17. The applicant shall submit a report from a suitably qualified and experienced engineer in respect of the proposed development, such report to verify that:-
- (a) any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property;
 - (b) the building structure will be able to withstand the force of flood waters (including buoyancy forces) and the impact of debris;
 - (c) all finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of flood waters.

Note: The report shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

Reason

To minimise the extent of property damage and the risk of injury in the event of flooding of the site.

DURING CONSTRUCTION

General

18. If the soil conditions require it:-
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) adequate provision must be made for drainage.

Reason

To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

19. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, however must be removed when the work has been completed.

Reason

This is a prescribed condition under Section 80A(11) of the Environmental Planning and Assessment Act, 1979.

20. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

Reason

To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

21. Construction, demolition and associated work shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00a.m. to 6.00p.m.
Saturdays	8.00a.m. to 1.00p.m.
Sundays & Public Holidays	No construction work to take place.

Reason

To ensure that the environmental quality of adjoining land is not adversely affected, such as by the generation of excessive noise levels.

22. A container of at least one (1) cubic metre capacity shall be provided and maintained from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste.

Reason

To ensure that waste generated by the building works is contained and does not pollute the surrounding environment.

23. All building materials, plant and equipment is to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

Reason

To ensure pedestrian and vehicular access is not restricted in public places.

24. The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason

To ensure that any required alterations to utility infrastructure are undertaken to acceptable standards at the developer's cost.

25. Prior to commencement of any works within the road reserve for the provision of services, the applicant or their nominated contractor shall obtain a road opening permit from Council's Roads, Bridges and Drainage Manager prior commencement of any works.

Reason

To ensure the public road and footpath facilities are reinstated to an appropriate standard as a result of additional requirements of the development.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

Building Construction

26. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards.

Reason

To ensure that all excavations on the site are maintained in a safe condition.

27. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason

To ensure that all excavations on the site are maintained in a safe condition.

Site Works

28. The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council's "Engineering Requirements for Development", Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements and the Department of Housing 'Soil and Water Management for Urban Developments'. Erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

Reason

To ensure protection of the environment by minimising erosion and sediment.

29. No obstruction is to be caused to Council's footpaths, roads and/or other public area during construction of the development.

No spoil, building materials, excavated or demolition material from the site shall be stored or deposited on the public road, footpath, public place or Council owned property, without prior approval of Council.

Reason

To ensure that construction activity does not interfere with the orderly use of public footpaths, roads or places, or Council owned property.

30. Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

Reason

To ensure that filling placed on land does not affect natural drainage.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

31. Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

Reason

To ensure that site works do not result in water being diverted onto adjoining land.

PRIOR TO OCCUPATION

General

32. Occupation or use of premises for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with and the Occupation Certificate has been issued.

Reason

To ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979, and Council's terms of consent

Building Construction

33. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water and to ensure the free flow of water away from the building and adjoining properties.

Reason

To reduce the risk of environmental and building damage.

Fire Safety

34. The building must comply with the Category 1 Fire Safety provisions applicable to the proposed new use. The applicant shall provide Council with a Fire Safety Certificate in accordance with Clauses 170 and 171 of the Environmental Planning and Assessment Act Regulations for each fire safety measure indicated in the Fire Safety Schedule prior to occupation of the building or issue of an Occupation Certificate.

Reason

Prescribed condition.

35. Bollards/approved barriers shall be provided adjacent to egress doors and paths of travel that are likely to be obstructed by vehicles, plant or equipment associated with the use of the premises.

Reason

To provide the occupants with a safe passage from the building.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

Access, Carparking and Loading Arrangements

36. The Registered Proprietors shall construct a reinforced concrete access crossing from the kerb and gutter to the property boundary, including a layback in the kerb in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices) and AS 2890.1. The works shall be completed prior to the use or occupation of the building and shall be designed in accordance with RTA requirements as specified in condition number 6 of this consent.

Reason

To ensure the provision of safe, adequately defined and properly constructed means of vehicular access from the road to the development

37. All redundant vehicular accesses shall be removed and the footpath, road shoulders and kerb and gutter, where applicable, restored to match existing conditions at no cost to Council prior to use of the building or issue of an Occupation Certificate for the building.

Reason

To ensure that vehicular access to the development occurs efficiently and safely in accordance with approved plans and unnecessary accesses are restored at no cost to Council.

38. On-site car parking shall be provided for a minimum of eleven (11) vehicles and such being set out generally in accordance with Council's Car Parking Code.

Reason

To ensure that adequate provision has been made for maneuvering and parking of vehicles within the development or on the land, to meet the expected demand generated by the development.

39. All driveways, access corridors and carparking areas are to be designed in accordance with AS2890.1 & 2 - Parking Facilities. The carparking areas shall be constructed with a reinforced concrete of adequate depth to suit design traffic loadings with an all weather surface treatment, graded and drained in accordance with Council's 'Engineering Requirements for Development'.

Reason

To ensure the orderly and efficient use of on-site parking facilities and ensure that adequate provision is made on-site for the loading and unloading of goods.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

40. The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of reflectorised signs and pavement markings prior to occupation of the building and for the life of the development. "Stop" restrictions and associated pavement markings are to be installed in accordance with RTA requirements at the exit from the development.

Reason

To ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking spaces and driveway access and in the interest of traffic safety and convenience.

Drainage and Flooding

41. The registered proprietor of the land shall submit a report and a works-as-executed (WAE) drawing of the stormwater detention basin(s), stormwater drainage system and finished floor levels of the units. The WAE drawings shall be prepared by a registered surveyor and shall indicate the following as applicable:

- * invert levels of tanks, pits, pipes and orifice plates
- * surface levels of pits and surrounding ground levels
- * levels of spillways and surrounding kerb
- * floor levels of buildings, including garages
- * top of kerb levels at the front of the lot
- * dimensions of stormwater basins and extent of inundation
- * calculation of actual detention storage volume provided

Floor levels to AHD to ensure construction is achieved to correct floor level

Reason

To ensure the buildings and stormwater detention system have been constructed in accordance with Council's requirements.

42. The plan shall be accompanied by a report from the designer stating the conformance or otherwise of the as constructed basins in relation to the approved design.

The WAE plan and report shall be submitted to and approved by Council prior to issue of the Occupation Certificate.

Reason

To ensure the buildings and stormwater detention system have been constructed in accordance with the design plans.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

43. The registered proprietor of the land shall prepare a Plan of Management for the on-site stormwater detention facilities within the development. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance. The plan shall be submitted to and approved by Council for approval prior to the issue of an Occupation Certificate.

Reason

To ensure the on-going maintenance and operation of the on-site stormwater detention facilities in accordance with the approved design.

44. The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building in a prominent location and kept up to date at all times.

The management plan shall be submitted to and approved by Council prior to use or occupation of the development.

Reason

To ensure occupants of the units are aware of the flood hazard and emergency procedures in the event of flood.

POST OCCUPATION OPERATIONAL REQUIREMENTS

Access, Carparking and Loading Arrangements

45. All loading and unloading of goods shall take place within the site and not from the footpath or roadway for the life of the development.

Reason

To ensure that loading and unloading of goods does not interfere with the use of public footpaths or roadways.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

ADVICE

1. Where Council is the Principal Certifying Authority, the applicant shall pay engineering site supervision fees in accordance with Council's current fees and charges with the application for a Construction Certificate for the site. Initially, one (1) site visit only is expected for the proposal, however should further inspections become necessary as a result of incomplete works, then those site supervision fees will be separately invoiced. Council's current engineering site supervision fee is \$187.00.

Reason

To ensure that the developer meets all costs associated with the inspection of necessary works associated with the development.

2. The applicant shall pay Detention Basin(s) engineering checking and site supervision fees in accordance with Council's adopted fees and charges prior to release of a Construction Certificate for the site. Council's current fee is \$294.58. per basin for basins less than 50m³. Final fee amounts will be levied on accurate dimensions contained within the engineering plans and in accordance with Council's adopted fees and charges current at the time of payment.

Reason

To ensure that the developer meets all costs associated with the approval of engineering plans and the inspection of detention basin works associated with the development.

Scheduling of Inspections

3. The applicant is to advise Subdivision and Engineering Co-Ordinator at least 48 hours prior to commencement of any construction works on site or associated with the site, together with the approved contractor's name and address.

Reason

To enable orderly scheduling of inspections

CARRIED

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

**ACTING DIRECTOR CORPORATE & REGULATORY SERVICES
REPORT NO. 102/2007**

SUBJECT: 2006/07 ANNUAL FINANCIAL STATEMENTS

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Troy
786

RECOMMENDED that the Annual Financial Statements for the 2006/07 financial year as presented, be adopted.

CARRIED

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

**ACTING DIRECTOR CORPORATE & REGULATORY SERVICES
REPORT NO. 103/2007**

DEVELOPMENT APPLICATION NO: 8/2006/795/1
APPLICANT: J W PLANNING PTY LTD
OWNER: I M STEWART
PROPERTY: LOT 109 DP755225 HAMILTON STREET
ELLALONG
AREA: 59.04 HA
ZONING: RURAL A
PROPOSAL: TWO (2) LOT SUBDIVISION

MOTION *Moved:* Councillor Bedford **Seconded:** Councillor Maybury
786

RECOMMENDED that Council resolve to approve Development Application 8/2006/795/1 for two lot subdivision on Lot 109 DP 755225, Hamilton Street, Ellalong subject to the following conditions:

SCHEDULE 1

TERMS OF CONSENT

General

1. The proposed development shall be carried out strictly in accordance with the details set out on the application form, and the Plans Numbered SURV5, Amendment No.2, Dated 3/7/2006, as modified by any conditions of this consent.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason

To confirm and clarify the terms of Council's approval.

2. A final plan of survey, prepared by a Registered Surveyor, and seven (7) copies for endorsement by Council are to be submitted with the application for a Subdivision Certificate.

Reason

To enable the linen plan to be legally made.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

Access, Car parking and Loading Arrangements

3. All access crossings and driveways shall be maintained in good order for the life of the development.

Reason

To ensure that a safe adequate all-weather access is available to the development.

DURING CONSTRUCTION

General

4. The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason

To ensure that any required alterations to utility infrastructure are undertaken to acceptable standards at the developer's cost.

5. Prior to commencement of any works within the road reserve for the provision of services, the applicant or their nominated contractor shall obtain a road opening permit from Council's Roads, Bridges and Drainage Section. Reinstatement of the road shall be to the satisfaction of Council's Roads, Bridges and Drainage Manager prior to the issue of a Subdivision Certificate.

Reason

To ensure the public road and footpath facilities are reinstated to an appropriate standard as a result of additional requirements of the development.

6. The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council's "Engineering Requirements for Development", Landcom's Soils and Construction Manual, April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

Reason

To ensure protection of the environment by minimising erosion and sediment.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

General

7. Certification shall be submitted to Council by a Registered Surveyor, prior to endorsement of the final plan of survey and release of the Subdivision Certificate that all services and domestic drainage lines are wholly contained within each of the respective lots.

Reason

To ensure that all services are wholly contained within each new lot created.

8. Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporatisation) Act 1991. Such evidence shall be submitted Council prior to the release of the final plan of survey for the subdivision and the Subdivision Certificate.

Reason

To ensure compliance with the Hunter Water Corporation requirements for the supply of water and sewerage to the new lots created.

Site Works

9. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water and to ensure the free flow of water away from the building and adjoining properties.

Reason

To reduce the risk of environmental and building damage.

Access, Car parking and Loading Arrangements

10. The Registered Proprietors of the land shall construct an all-weather access within the proposed battleaxe to the useable portion of proposed Lot 1 Part 1. The access shall be a minimum of 4 metres wide, constructed using 100 mm thick compacted gravel in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices) and AS 2890.1. The works shall be completed prior to the use or occupation of the building.

Reason

To ensure the provision of safe, adequately defined and properly constructed means of vehicular access from the road to the development.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

Fees, Development Contributions, Monetary Bonds, Dedication of Land

11. A right of carriageway connecting the northern and southern portions of proposed lot 1 shall be created. The appropriate notation being placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act being submitted to Council setting out the terms of easements as required by this consent. Council, in addition to the owner of the land benefited by the easement, is to be a party whose consent is needed to release or vary easements.

Reason

To ensure that adequate vehicular access and servicing rights are secured in respect of the proposed development.

12. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 towards the provision of public amenities and public services in the contribution types below.

CONTRIBUTION TYPE	\$
District Open Space	1043
District Community Facilities (Halls)	639
District Community Facilities (Libraries)	171
District Community Facilities (Bushfire)	48
Local Roads – Ellalong	642
Studies (Plan Preparation)	60
Plan Administration	228

At this time the total contribution required is \$2831 and is to be paid prior to the release of the Subdivision Certificate.

NOTE:

- i) A copy of the Residential Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administrative Building, Vincent Street, Cessnock or can be accessed on Council's Website:
www.cessnock.nsw.gov.au
- ii) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index – All Groups – Sydney. Indexation of contributions for payment occurs quarterly, on the first working day of December, March, June and September

Reason

To assist the Council in meeting the expected increased demand for public facilities and services arising as a consequence of the proposed development, and to ensure that the real value of contributions is not deflated by price movements.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

13. The Section 88B Instrument will be submitted to Council with all relevant signatures and company seals (where applicable) prior to endorsement of the linen plan of subdivision and release of the subdivision certificate. Alternatively, Council will accept, at the discretion of the Development Services Manager, a copy of the Section 88B Instrument with an accompanying letter from the acting Solicitor or Surveyor giving an undertaking that the Section 88B Instrument will be signed and submitted as presented to Council, unaltered, to the Land Titles Officer for registration with the linen plan of subdivision.

Reason

To ensure the Section 88B Instrument is submitted to the Lands Titles Office in the same form as it is submitted to Council.

ADVICE

1. The applicant is to advise Subdivision and Engineering Co-ordinator at least 48 hours prior to commencement of any construction works on site or associated with the site, together with the approved contractor's name and address.

Reason

To enable orderly scheduling of inspections.

2. The applicant shall pay engineering site supervision fees in accordance with Council's current fees and charges with the application for a Construction Certificate for the site. Initially, one (1) site visit only is expected for the proposal, however should further inspections become necessary as a result of incomplete works, then those site supervision fees will be separately invoiced. Council's current engineering site supervision fee is \$181.28.

Reason

To ensure that the developer meets all costs associated with the inspection of necessary works associated with the development.

CORPORATE & REGULATORY SERVICES COMMITTEE

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SCHEDULE 2

**GENERAL TERMS FOR A BUSH FIRE SAFETY AUTHORITY
UNDER SECTION 100B OF THE RURAL FIRES ACT 1997**

1. In recognition that no reticulated water supply exists, a 10,000 litre dedicated water supply tank (non flammable or shielded from the threat) and a minimum of 3kW (5hp) petrol or diesel powered pump with a 19mm hose capable of reaching the entire perimeter of the dwelling shall be provided for the existing dwelling on proposed Lot 2. A 65mm storz fitting and metal ball valve shall be installed in the tank for connection to local fire service appliances.

This dedicated water supply may be achieved by using existing tank or tanks. This can be achieved by fitting a high level suction point for general use such that 10,000 litres will remain within the tank. A low level suction will then allow access to the remaining fire fighting water supply.

CARRIED

Councillor Ryan wished his name be recorded as having voted against the Motion.

CORPORATE & REGULATORY SERVICES COMMITTEE

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**ACTING DIRECTOR CORPORATE & REGULATORY SERVICES
REPORT NO. 104/2007**

DEVELOPMENT APPLICATION NO: 8/2006/533/3
APPLICANT: HARPER SOMMERS O'SULLIVAN PTY LTD
OWNER: BALES INVESTMENTS
PROPERTY: LOT: 3 SEC: A DP: 4080 36 VINCENT
STREET CESSNOCK 2325
AREA: 834M2
ZONING: 3 (A)
PROPOSAL: PERMANENT EXTENSION OF TRADING
HOURS UNTIL 3AM ON FRIDAY AND
SATURDAY NIGHTS

MOTION Moved: Councillor Pynsent **Seconded:** Councillor Maybury
786

RECOMMENDED that DA 8/2006/533/3 for the extension of trading hours at the Wentworth Hotel be approved subject to an additional 12 month trial period in accordance with the following conditions:-

Condition No. "1

Compliance with conditions of original Development Application No. 8/2006/533/1 dated 08/11/2006 except as modified below.

Condition No. "2

This consent is limited to a six (6) month trial period only, from the date of issue of the relevant license for the extension of trading hours from the Liquor Administration Board under the Liquor Act 1982. Any proposal to extend the term of consent will require the submission of a formal Section 96 application for Council's consideration at least ninety (90) days prior to the expiration of the nominated period.

Reason

To ensure that Council is able to review the operation of the proposed use in terms of its impact on the amenity of the neighbourhood and require such to be discontinued or modified at a future date as may be appropriate.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

Amendment to Consent:

This consent is limited to a twelve (12) month trial period only, from the date of determination. Any proposal to extend the term of consent will require the submission of a formal Section 96 application for Council's consideration at least ninety (90) days prior to the expiration of the nominated period.

Reason

To ensure that Council is able to review the operation of the proposed use in terms of its impact on the amenity of the neighbourhood and require such to be discontinued or modified at a future date as may be appropriate."

Additional conditions

The applicant shall install closed circuit security cameras at the front and rear of the premises.

Reason

To prevent antisocial behaviour as far as practical.

CARRIED

Councillors Ryan, Olsen, Davey and Main wished their names be recorded as having voted against the Motion.

ACTING DIRECTOR CORPORATE & REGULATORY SERVICES REPORT NO. 105/2007

**SUBJECT: MINUTES OF THE PLANNING REVIEW COMMITTEE MEETING HELD
14 NOVEMBER 2007**

MOTION **Moved:** Councillor Bedford **Seconded:** Councillor Smith

RECOMMENDED that Council endorse the report of the Planning Review Committee meeting held 14 November 2007.

CARRIED

Councillors Olsen and Ryan wished their names be recorded as having voted against the Motion.

CORPORATE & REGULATORY SERVICES COMMITTEE

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**ACTING DIRECTOR CORPORATE & REGULATORY SERVICES
REPORT NO. 106/2007**

DEVELOPMENT APPLICATION NO: 8/2007/577/1
APPLICANT: ATB MORTON PTY LTD
OWNER: HEZ PTY LTD
PROPERTY: LOT 7 DP 1037092
AREA: 3.37 HECTARES
ZONING: 4(H) HUNTER EMPLOYMENT ZONE
PROPOSAL: ERECTION OF ALUMINIUM EXTRUSION PLANT

Councillors Davey, Ryan, Olsen and Troy declared a non-pecuniary interest in Acting Director Corporate & Regulatory Services Report No. 106/2007 and remained in the Chamber.

PROCEDURAL MOTION *Moved:* Councillor Smith *Seconded:* Councillor Pynsent

That Acting Director Corporate & Regulatory Services Report No. 106/2007 be determined as no new matters were raised in the public address.
786

The Procedural Motion was Put and **CARRIED**

MOTION *Moved:* Councillor Smith *Seconded:* Councillor Pynsent
786

RECOMMENDED that:-

1. Council write to the Minister for Planning requesting that he considers the Major Projects Application of which the Pelaw Main By Pass forms part of, as expeditiously as possible.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

2. Council approve Development Application No.8/2007/577/1 for an aluminium extrusion plant on part Lot 7 DP 1037092 off Cessnock Road Weston generally in accordance with conditions below:

SCHEDULE 1

TERMS OF THE CONSENT

1. The proposed development shall be carried out strictly in accordance with the details set out on the application form, and the Plans numbered in the following table, the Statement of Environmental Effects prepared by ATB Morton undated and any other information submitted in support of the application, except as modified by the conditions of this consent.

Document	Prepared by	Dated	No
Plans			
Site Plan	ATB Morton	23.10.07	1187- A1 Rev D
Colour Selections (Elevations)	ATB Morton	25.10.07	1187- CL1
Office Floor Plan	ATB Morton	16.07.07	1187- A3
Workshop Floor Plan	ATB Morton	17.07.07	1187- A2
Concept Drainage Layout	D Hunt & Associates	9.11.07	SW1
Site Sections	D Hunt & Associates	9.11.07	SW2
Landscape	Lithos Group	14.08.07	LA01 Rev B
Concept Detail Survey	RPS Harper Somers O'Sullivan	9.07.07	24521
Planning for Bushfire Protection Assessment	Newcastle Bushfire Consulting	9.08.07	-
Flora & Fauna Assessment	RPS Harper Somers O'Sullivan	August 2007	24521
Cultural Heritage Assessment	RPS Harper Somers O'Sullivan	July 2007	24521
Vegetation Clearing Plan	RPS Harper Somers O'Sullivan	October 2007	24521
Stormwater Concept Plan	Parker Scanlon Pty Ltd	July 2007	B49
Air Quality Impact Assessment	Heggies	11.09.07	30-1791-R0
Noise Assessment	Insite Planning Services Pty Ltd	21.08.07	
Social & Economic Impact Comment	ATB Morton	undated	1187

CORPORATE & REGULATORY SERVICES COMMITTEE

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Supplementary Information Additional Traffic	Insite Planning Services Pty Ltd	25.10.07	
Various Matters Staffing Numbers	ABT Morton ABT Morton	24.10.07 8.11.07	1187AD 1187AG
Geotechnical Report	Coffey – Geotechnics	10.10.07	GEOTWARA 20506AA-AA

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason

To confirm and clarify the terms of Council's approval

2. All vegetation cleared from the site is to be contained within the site unless otherwise approved by Council.

Reason

To ensure noxious weeds identified on the site are not transferred

3. The use of fossil-fuel combustion such as gas as a replacement of electrical energy for process heating, curing and drying is prohibited.

Reason

To confirm and clarify the terms of Council's consent.

4. The introduction of any process to recover aluminium scrap or off-cut and process wastes on site is prohibited.

Reason

To confirm and clarify the terms of Council's consent

5. No anodising operations shall be undertaken on the site.

Reason

To confirm and clarify the terms of Council's consent

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

6. Details of any spills or unplanned releases of effluent materials or wastes which could impair the operation of the stormwater system or the quality of the effluent therefrom shall be provided to Council. Clean-up and containment equipment is to be provided on site for rapid deployment in the event of any unplanned release or spill of polluting material. Site personnel are to be regularly trained in the rapid use and deployment of this equipment. Details of these measures shall be outlined within the Risk Management Plan to be submitted to Council prior to the use or occupation of the building.

Reason

To ensure adequate environmental practices are in place in case of emergencies.

7. All chemicals used in the operation or held on site are to be stored and handled over secure, paved areas appropriately drained and bunded to prevent any discharge to the stormwater system. Any spillage or wastage in storage or handling is to be captured in a drainage system which can be secured by valve closure. Any spills are to be immediately recovered and/or disposed off in a manner acceptable under the POEO Act using licensed waste removal contractors as appropriate. Representative water samples are to be taken of any overflow event from the on-site retention dam and analysed for:

- a) Suspended solids;
- b) Dissolved oxygen;
- c) BOD5;
- d) pH;
- e) Salt content (EC units);
- f) Total nitrogen;
- g) Total phosphorus;
- h) Chemicals in use in the extrusion plant at the time of the overflow.

Reason

To ensure adequate environmental practices are in place in case of emergencies.

CORPORATE & REGULATORY SERVICES COMMITTEE

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8. Sediments in the on-site retention dam are to be assessed annually for three years from the commencement of operations. This is to include:

* Sampling at three evenly distributed points in the dam area annually and analysis for:

- a) pH
- b) Salt content (EC units)
- c) A redox potential profile of the sediment and overlying water column
- d) Total nitrogen
- e) Total phosphorus
- f) Chemicals in use in the extrusion plant at the time

* An assessment of the capacity of the dam in terms of operating volume clear of sediment accumulation.

The above details shall be submitted to Council's Development Services Manager on an annual basis.

Reason

To ensure adequate environmental practices are in place for the life of the development

9. The results from all sampling of sediments and overflow are to be analysed at the end of the first three (3) years of operation and a report shall be prepared and submitted to Council addressing the following:

- a) The rate of accumulation of pollutants in the dam;
- b) The risk to water quality and aquatic life resulting from an overflow of the dam or significant loss of sediments from the site;
- c) The desirability of ongoing sampling of overflows and sediments on a possible five (5) year cycle;
- d) The need for removal of accumulated sediments and pollutants in the dam and pollutants and salts in the recirculating water in terms of extrusion plant operation and risk to receiving waters in the HEZ.

Reason

To ensure adequate environmental practices are in place for the life of the development

10. Within three (3) months of commissioning the extrusion plant a survey of noise and vibration by a recognised noise and vibration consultant shall be undertaken to determine compliance with the NSW Industrial Noise Policy and the Lighting, Interference, Vibration and Noise Strategy of the HEZ EMS. The results of the survey shall be provided to Council's Development Services Manager within one month of the testing.

Reason

To ensure and clarify the terms of Council's approval

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

11. The applicant shall report annually to Council the following operational and environmental data:
- a) Amount of product manufactured for the year;
 - b) Total operational time for the year;
 - c) Total energy consumed (electricity or fuel as relevant, by type);
 - d) Total waste removed from the site for each specific waste type (eg aluminium waste, liquid caustic waste, other liquid and solid waste);
 - e) Total waste discharged to sewer;
 - f) An estimate of greenhouse gas generated external to the site as a result of site operations (eg electricity usage, transport of materials to and from site, etc.);
 - g) Measurements or estimates of the quantity and quality of any water released from the site as stormwater runoff;
 - h) Results of any air quality, water quality, noise or vibration testing and monitoring undertaken; and
 - i) Total personnel employed on the site, by category.

Reason

To ensure and clarify the terms of Council's approval

12. Any pollution incident is to be notified within 24 hours of the event to Council as the Appropriate Regulatory Authority in accordance with section 148 of the POEO Act.

Reason

To ensure potential environmental impacts are minimised onto adjoining lands.

13. Prior to the commencement of any clearing or construction on site, the applicant shall submit evidence to Council that approval for the removal of vegetation has been obtained in accordance with the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

Reason

To ensure ongoing protection of the environment.

14. All access crossings and driveways shall be maintained in good order for the life of the development.

Reason

To ensure that a safe adequate all-weather access is available to the development

15. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water and to ensure the free flow of water away from the building and adjoining properties.

Reason

To reduce the risk of environmental and building damage.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

16. This consent does not authorise the clearing of land in contravention of any other Act or instrument made under an Act concerned with soil erosion, protection of riverbank vegetation or catchment areas or the like, or threatened species, populations or communities.

Prior to any clearing of the subject land, the registered proprietor of the land shall obtain the any relevant approval required under the Native Vegetation Conservation Act, 1979, and/or the Threatened Species Conservation Act, 1995.

Reason

To ensure the development is carried out in accordance with relevant legislative provisions and Council policy

17. The applicant is to advise Council at least 48 hours prior to commencement of any construction works on site or associated with the site, together with the approved contractor's name and address.

Reason

To enable orderly scheduling of inspections

18. All building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

Reason

This is a prescribed condition under Section 80A(11) of the Environmental Planning and Assessment Act, 1979.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

19. The applicant shall submit to Council a detailed floor plan of the factory operations demonstrating the location of plant and equipment, bunded storage and chemical storage areas, waste water collection storage areas. Detailed information shall be submitted prior to the release of the Construction Certificate.

Reason

To ensure consistency with the requirements of the Environmental Management Strategies

21. The applicant shall prepare an alternative site grading and design plan along the east of the site to reduce impact of the retaining wall in this location. Such design measures shall consider the provision of the construction tolerance of 3m adjacent to any vegetation buffer to avoid vegetation damage and detail shall be submitted to Council prior to approval or issue of a Construction Certificate for any site works.

Reason

To ensure impacts on the natural environment of the proposal are minimised.

CORPORATE & REGULATORY SERVICES COMMITTEE

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22. The registered proprietors of the land shall provide evidence of satisfactory arrangements having been made with electricity supply authority in regard to any existing installations and proposed electricity connections prior to the release of the Construction Certificate for the site works or building.

Reason

To ensure that adequate electricity supply is provided and that the interests of the energy supply authority are protected.

23. Plans showing the extent of excavation and/or filling together with details of the method of retaining, draining and stabilising the disturbed areas shall be submitted to and approved by Council prior to issue of the Construction Certificate.

Reason

To determine that satisfactory arrangements have been made to reduce environmental and building damage.

24. The excavation/fill is to be retained by a retaining wall designed by a Practising Structural Engineer. The structural engineer's design shall be submitted to and approved by Council prior to issue of the Construction Certificate.

Reason

To ensure adequate provision is made to retain excavations and fill.

25. The applicant shall submit evidence that the above block has a legal right of access over the proposed means of physical access. This evidence shall be submitted to the Development Services Manager prior to release of the Construction Certificate.

Reason

To ensure that the proposed development has a legal means of physical access

26. The Registered Proprietors shall construct a reinforced concrete access crossing from the kerb and gutter to the property boundary, including a layback in the kerb, in accordance with Council's Engineering Requirements for Development (available at Council's offices) and Australian Standard 2890.1 & 2 with respect to location, size and type of driveway. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the building.

Reason

To ensure the provision of safe, adequately defined and properly constructed means of vehicular access from the road to the development.

27. Two (2) car parking spaces shall be designated and signposted for use by disabled persons for the life of the development. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the building.

Reason

To ensure the provision of adequate on-site parking for the disabled.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

28. All driveways, access corridors and carparking areas are to be designed in accordance with AS2890.1 & 2 - Parking Facilities. The carparking areas shall be constructed with a base course of adequate depth to suit design traffic loadings with an all weather surface treatment, graded and drained in accordance with Council's 'Engineering Requirements for Development'.
- (b) An engineering design plan of the required parking layout, including necessary drainage, shall be submitted to and approved by the Development Services Manager prior to release of a Construction Certificate for the building.

Reason

To ensure the orderly and efficient use of on-site parking facilities and ensure that adequate provision is made on-site for the loading and unloading of goods.

29. A separate off-street loading/unloading facility with capacity to accommodate the largest delivery vehicle likely to deliver goods to and from the premises shall be provided for all loading and unloading of vehicles wholly within the property. Such facility shall be constructed clear of the car parking area and driveways. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

Reason

To ensure the orderly and efficient use of on-site parking facilities and that loading and unloading of vehicles does not interfere with the use of public footpaths and roadways.

30. The proposed building shall be provided with access and facilities for the disabled in accordance with AS 14281.1. Details of such access and facilities shall be submitted to the Prescribed Certifying Authority with the Application for a Construction Certificate for the buildings.

Reason

To ensure there is adequate access and facilities for the disabled.

31. A detailed drainage design for the disposal of roof and surface water from the site, including any natural runoff currently entering the property and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout shall include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

Reason

To ensure that on site stormwater runoff is properly collected and conveyed to an appropriate drainage facility.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

32. Any alterations to existing surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties. Full details of existing and proposed surface levels shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

Reason

To ensure that such alterations to surface levels do not disrupt existing stormwater flows in the vicinity.

33. The registered proprietor of the land is to provide a stormwater detention facility within the boundaries of the site to reduce the peak stormwater discharge from the developed lot to that of the peak stormwater discharged from the undeveloped lot for all storm events from the 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm event. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details of on-site storage and the method of controlled release from the site and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

The detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate

Note: Construction shall be completed prior to the release of the Occupation Certificate.

Reason

To ensure that the development is adequately drained and will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour.

34. The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate.

Reason

To ensure that on site stormwater runoff is properly collected and conveyed to an appropriate drainage facility.

CORPORATE & REGULATORY SERVICES COMMITTEE

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35. A construction management plan shall be submitted with the application for the Construction Certificate. The management plan shall include:
- (a) Details of sedimentation and erosion control
 - (b) Details of provision of truck and machinery wash down areas.
Note: All trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.
 - (c) Details of dust mitigation on building sites and access roads
 - (d) Location and phone number of the site office
 - (e) Details regarding provision of areas set aside for the storage/stockpiling of:

- (i) Construction refuse
- (ii) Construction materials
- (iii) Raw materials such as sand, soil, mulch and the like
- (iv) Details regarding the provision of facilities for workers associated with the development.

Note: All protection and control of earthworks shall be carried out in accordance with Council's "Engineering Requirements for Development", Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements and the Department of Housing 'Soil and Water Management for Urban Developments'.

Reason

To reduce the environmental impact on the site during the construction period.

36. The applicant shall comply with Council's requirements as set out in Council's "Engineering Requirements for Development" document (available at Council's offices). A Construction Certificate incorporating engineering plans are to be submitted to Council for approval by the Development Services Manager with the relevant application prior to commencement of works on site or relative to the development. The payment of appropriate performance bonds in accordance with Council's Fees and Charges will be necessary prior to approval and release of engineering plans with the Construction Certificate.

Reason

To provide appropriate design and standards of engineering works.

37. The applicant shall pay Detention Basin(s) engineering checking and site supervision fees in accordance with Council's adopted fees and charges prior to release of a Construction Certificate for the site. Final fee amounts will be levied on accurate dimensions contained within the engineering plans and in accordance with Council's adopted fees and charges current at the time of payment.

Reason

To ensure that the developer meets all costs associated with the approval of engineering plans and the inspection of detention basin works associated with the development.

CORPORATE & REGULATORY SERVICES COMMITTEE

OFFICERS' REPORTS

38. The applicant shall pay an engineering plan checking and site supervision fee of \$187.00 per site visit in accordance with Council's fees and charges prior to submitting the final plan of survey and application for Subdivision Certificate.

Reason

To ensure that the developer meets all costs associated with the inspection of necessary works associated with the development.

39. Where a retaining wall is in excess of 1 metre in height separate detail drawings are to be submitted in conjunction with the Construction Certificate, specifying wall heights, heights of retaining walls, proposed mounding and stabilisation treatment, landscaping for the elevations of the building.

Reason

To ensure that suitable retaining walls are constructed

40. The landscaped area long the western boundary of the site shall be a minimum width of 5 metres. The landscaped area at the rear of the site adjacent to the outdoor billet storage area shall be modified so that suitable screening measures including landscaping are incorporated into the landscape plan. Details of these landscaped areas shall be provided with the Construction Certificate, comply with the provisions of the Habitat Management Strategy and be satisfactory to Council's Development Services Manager.

Reason

To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development to enhance the external appearance of the premises and to contribute to the overall landscaped quality of the locality.

41. Air pollution during construction works shall be minimised by implementation of the following measures:

- a) Dust generation from roads, stockpiles, work areas and exposed soils to be controlled by regular onsite watering;
- b) Dust generating activities to be avoided or minimised during dry and windy conditions;
- c) Disturbed areas and stockpiles to be stabilised as soon as practicable to prevent windblown dust;
- d) Wheels of trucks and earthmoving machinery leaving the site during construction to be washed; and
- e) Cleared vegetation, garbage and other combustible waste shall not to be burned.

Details of measures to be installed and implemented shall be submitted to Council prior to release of the Construction Certificate.

Reason

To minimise the potential environmental impacts of the development and satisfy relevant Environmental Management Strategies.

CORPORATE & REGULATORY SERVICES COMMITTEE

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42. All process liquids and effluent are to be held and collected in secure, corrosion-resistant tankage with bunding to protect against spills and unplanned losses. This includes all caustic soda in solid or solution form, all chromic and other acids and any other liquids with potential to cause water pollution according to the definition in the Protection of the Environment Operations Act 1997.

Details shall be submitted to Council for approval prior to release of the Construction Certificate.

Reason

To minimise any potential environmental impacts of the development.

43. Discharge of processed or other effluents to the on-site stormwater management system is prohibited.

Reason

To ensure that facilities are managed in an environmentally acceptable manner.

44. The noise and vibration control measures proposed to be installed and operated in accordance with the Development Application. Appropriate details shall be submitted to Council certifying installation and operation.

Reason

To confirm and clarify the term's of Council's approval

45. Lighting of the development shall not project glare onto adjoining properties or roadways. Details regarding fencing and lighting of the site shall be provided to Council with the Construction Certificate and comply with the requirements of Cessnock DCP 2006 – Chapter E6 HEZ and be satisfactory to the Development Services Manager.

Reason

To protect fauna within the HEZ estate.

46. The following bushfire measures shall be implemented:

- a) At the commencement of building works and in perpetuity a defendable space around the property to a distance of 15m, shall be maintained as an Inner Protection Area (IPA) as outlined within Planning for Bushfire Protection 2006 and Service's document standards for asset protection zones.
- b) Roller doors, tilt a doors and personal access doors shall be sealed with material having a flammability index of 5 or less to prevent the entry of embers into the structure.

Details shall be provided with the Construction Certificate.

Reason

To protect both life and property in the event of a bushfire.

CORPORATE & REGULATORY SERVICES COMMITTEE

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47. The proposed development and site construction shall comply with the requirements and recommendations of the Rural Fire Service Planning for Bushfire Protection 2006 and the submitted report by Newcastle Bushfire Consulting Pty Ltd dated 9th August 2007. Certification that the development complies with the bushfire requirements shall be submitted to council by Newcastle Bushfire Consulting prior to use or occupation of the development.

Reason

To ensure that the proposal meets the safety requirements for bushfire planning.

48. A revised Vegetation Clearing Plan shall be prepared and submitted to Council allowing for retention of mature trees and any other significant vegetation on site along the eastern, southern and northern boundaries of the site prior to the release of a Construction Certificate.

Reason

To protect the bushland character of the HEZ estate.

49. Details shall be provided to Council with the Construction Certificate demonstrating how areas of natural bushland to be retained on site will be maintained once building works are completed in accordance with provisions of Cessnock DCP 2006 and the Habitat Management Strategy.

Reason

To protect the bushland character and 7(b) zoned lands of the HEZ estate.

50. The applicant shall provide fencing along the boundary of the 7(b) conservation corridor prior to commencement of any site works. Such fencing shall incorporate the requirements of the Department of Environment and Climate Change contained within the assumed concurrence conditions for the deferred conservation areas within the wider HEZ site. Details to be provided with the Construction Certificate and be satisfactory to the Development Services Manager.

Reason

To ensure that adverse impacts on protected vegetation are eliminated.

51. The applicant shall prepare and submit to Council for approval, prior to approval or release of the Construction Certificate for site works or buildings, turning templates of heavy rigid and articulated vehicles, turning into and out of the subject site accesses. The turning templates are to demonstrate that turning manoeuvres can be made from the HEZ Spine Road without crossing centrelines and providing for other entering and egressing traffic to and from the site.

Reason

To ensure safe and effective manoeuvrability into and out of the site.

CORPORATE & REGULATORY SERVICES COMMITTEE

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52. The applicant shall provide an overall site parking layout which demonstrates the full carparking requirement compliant with Cessnock DCP 2006 - 6.3.12.2 for both Stage 1 and stage 2 developments. The carparking shall be shown to be capable of being provided on the site to demonstrate full workability for any future land use changes. Such carparking plan shall be submitted to Council for approval prior to the approval or issue of a Construction Certificate.

Reason

To ensure the capability of the site to provide for required carparking for the current or any future land user.

53. All services including reticulated power, sewer, water, telecommunications etc to service the development shall be provided to the site prior to use or occupation of the development. Details shall be provided to council to clearly demonstrate the proposed timing of the provision of each service from each service authority prior to approval or release of the Construction Certificate for site works or building works.

Reason

To ensure the adequate provision of services for the development.

54. The applicant shall undertake investigations and report on the impacts, if any, of the proposed factory building and its industrial usage on former subterranean mining in the locality. Such investigation and report shall be completed and submitted to Council prior to approval or release of the Construction Certificate.

Reason

To ensure the structural integrity of former mine workings in the locality.

55. The applicant shall comply with all conditions and requirements of the Mine Subsidence Board in relation to the factory building. Documentation demonstrating compliance shall be submitted to Council prior to approval or release of the Construction Certificate.

Reason

To ensure the proposal meets the objectives of the Mine Subsidence Board.

DURING CONSTRUCTION

56. All reasonable measures shall be taken to protect all other vegetation on the site from damage during construction. All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or site rehabilitation. Buffer areas proposed for vegetation retention shall be protected by suitable barriers prior to commencement of works.

Reason

To protect the landscape and scenic quality of the locality, to maintain ground surface stability and to ensure sensitive management of vegetation and other natural resources.

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57. The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council's "Engineering Requirements for Development", Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements and the Department of Housing 'Soil and Water Management for Urban Developments'. Erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

Reason

To ensure protection of the environment by minimising erosion and sediment.

58. If the soil conditions require it:-
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) adequate provision must be made for drainage.

Reason

To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.

59. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, however must be removed when the work has been completed.

Reason

This is a prescribed condition under Section 80A(11) of the Environmental Planning and Assessment Act, 1979.

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60. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

Reason

To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.

61. Construction, demolition and associated work shall be carried out only between the times stated as follows:-

Mondays to Fridays	7.00am to 6.00pm
Saturdays	8.00am to 5.00pm
Sundays & Public Holidays	8.00am to 1.00pm

Reason

To ensure that the environmental quality of adjoining land is not adversely affected, such as by the generation of excessive noise levels.

62. A container of at least one (1) cubic metre capacity shall be provided and maintained from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste.

Reason

To ensure that waste generated by the building works is contained and does not pollute the surrounding environment.

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63. All building materials, plant and equipment is to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves etc.

Reason

To ensure pedestrian and vehicular access is not restricted in public places.

64. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards.

Reason

To ensure that all excavations on the site are maintained in a safe condition.

65. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason

To ensure that all excavations on the site are maintained in a safe condition.

PRIOR TO OCCUPATION

66. Occupation or use of premises for the purposes approved by this consent shall not commence until all conditions of this consent have been complied with and the Occupation Certificate has been issued.

Reason

To ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979, and Council's terms of consent

67. The building must comply with the Fire Safety provisions applicable to the approved use. The applicant shall provide council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures in accordance with Division 4 of the Environmental Planning and Assessment Regulation 2000 prior to occupation of the building or issue of an Occupation Certificate. The final Fire Safety Certificate and the Fire Safety schedule are to be prominently displayed in the building. This condition **MUST** be complied with prior to the Occupation Certificate being issued and/or the building being occupied.

Reason

To ensure the required fire safety measures have been installed in the building and are operable prior to occupation of the building. To comply with the prescribed requirements of the Environmental Planning and Assessment Act.

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68. Bollards/approved barriers shall be provided adjacent to egress doors and paths of travel that are likely to be obstructed by vehicles, plant or equipment associated with the use of the premises.

Reason

To provide the occupants with a safe passage from the building.

69. All retaining walls and associated drainage shall be installed and completed prior to use or occupation of the building.

Reason

To ensure that filling placed on land does not affect natural drainage.

70. The intersection of Leggetts Drive/HEZ Spine Road shall be upgraded in accordance with the RTA's *Road Design* Guide and the relevant Austroads Guidelines as a seagull type intersection, to RTA/Council requirements, including as a minimum the following:

- * Complete road pavement reconstruction;
- * Raised concrete median/island treatment;
- * A left turn deceleration lane in Leggetts Drive;
- * Right turn deceleration and acceleration lanes;
- * Provision for on-road cyclists through the intersection;
- * Street lighting to the relevant standards

Reason

To ensure compliance with RTA requirements.

71. Any land required for the intersection upgrade shall be dedicated as public road reserve at no cost to the RTA or Council.

Reason

To ensure compliance with RTA requirements.

72. All works shall be undertaken to RTA and Council requirements at full cost to the developer.

Reason

To ensure compliance with RTA requirements.

73. The applicant will be required to enter into a Works Authorisation Deed with the RTA. In this regard the applicant is required to submit detailed design plans and all relevant additional information, as may be required in the RTA's Works Authorisation Deed documentation, for each specific change to state road network for the RTA's assessment and final decision concerning the work.

Reason

To ensure compliance with RTA requirements.

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74. The proposed filling on the site shall be placed as level 1 engineered fill. The filling shall be placed in accordance with Cessnock City Council engineering requirements for developments and AS3798 guidelines on earthworks for commercial and residential developments. The fill shall be certified by a Geotechnical Engineer as being compliant with AS3798 and submitted to council prior to issue of the Occupation Certificate.

Reason

To ensure the structural integrity of the placed fill for its intended purpose

75. On-site car parking shall be provided prior to the release of the Occupation Certificate.

Reason

To ensure that adequate provision has been made for manoeuvring and parking of vehicles within the development or on the land, to meet the expected demand generated by the development.

76. Kerbing or dwarf walls having a minimum height of 150mm shall be constructed along the edge of all garden areas or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon.

Construction shall be completed prior to the release of the Occupation Certificate.

Reason

To assist in confining vehicular movement to constructed driveways and parking areas and protect site landscaping works against vehicular damage.

77. All parking and loading bays shall be permanently marked out on the pavement surface, with loading bays and visitor parking facilities shall be clearly indicated by signs prior to occupation of the building and for the life of the development.

Reason

To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

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78. The registered proprietor of the land shall submit a report and a works-as-executed (WAE) drawing of the stormwater detention basin(s) and stormwater drainage system. The WAE drawings shall be prepared by a registered surveyor and shall indicate the following as applicable:

- * invert levels of tanks, pits, pipes and orifice plates
- * surface levels of pits and surrounding ground levels
- * levels of spillways and surrounding kerb
- * floor levels of buildings, including garages
- * top of kerb levels at the front of the lot
- * dimensions of stormwater basins and extent of inundation
- * calculation of actual detention storage volume provided

The plan shall be accompanied by a report from the designer stating the conformance or otherwise of the as constructed basins in relation to the approved design.

The WAE plan and report shall be submitted to and approved by Council prior to issue of Occupation Certificate.

Reason

To ensure the stormwater detention system has been constructed in accordance with the design plans.

79. The registered proprietor of the land shall prepare a Plan of Management for the on-site stormwater detention facilities within the development. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance. The plan shall be submitted to and approved by Council for approval prior to the issue of an Occupation Certificate.

Reason

To ensure the on-going maintenance and operation of the on-site stormwater detention facilities in accordance with the approved design.

80. Landscaping works shall be carried out in accordance with the details indicated on the submitted landscape design plan, except as required to be modified under the terms of this consent.

Reason

To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development, to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.

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81. Details of the construction, performance and capacity (scrubber type, gas flow, pressure drop, liquor flow, design efficiency for removal of particles and de-entrainment device) of the proposed wet scrubber serving the exhaust flow from the die-cleaning caustic bath shall be provided to Council before commencement of operations from the site. A test of emission from this scrubber to determine particulate emission rate and alkalinity of the total gas stream from the scrubber to be shall then be undertaken and submitted to Council within 3 months of commencement of operations from the site.

Reason

To ensure that adequate environmental controls are in operation.

82. Details (flow quantities, temperatures and discharge stack height and diameter) of the ventilation-air flow from any ventilation of the washing, etching, chromate coating, dry dry-powder curing operations and cooling chambers shall be submitted to Council before commencement of operations from the site. A test of emissions from any ventilation exhausts from the washing, etching and chromate coating operations to determine acidic and chromium emission rates shall be undertaken and submitted to Council within 3 months of commissioning.

Reason

To ensure that adequate environmental controls are in operation for the life of the development.

83. No process effluents (caustic soda solutions, die-cleaning bath wastes, acid etching wastes, chromic acid bath wastes) are to be discharged to the on-site stormwater system under any circumstances. These effluents are to be disposed of by discharge to sewer under a formal trade waste agreement with Hunter Water Corporation or by removal by licensed waste contractor. Council shall be advised, prior to commencement of operations, the details of these arrangements that have been put in place for each effluent and waste and of any changes to these arrangements.

Reason

To ensure that adequate facilities are available for the disposal of wastes and to ensure observance of appropriate health standards.

84. A listing of all chemicals, materials, lubricants and cleaning agents used on the site shall be provided to Council before commencement of operations detailing:
- a) The amounts processed and held;
 - b) Storage arrangements;
 - c) Availability and location of Materials Safety Data Sheets for each;
 - d) Any changes are to be notified to Council as soon as they occur.

Reason

To ensure compliance with Council's approval

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85. The applicant to arrange for all solid or liquid waste removed from the site is undertaken by licensed waste contractors. Details shall be submitted to Council prior to commencement of operations from the site.

Reason

To ensure compliance with Council's approval

86. The operator to develop and implement a site-specific Environmental Management Plan (EMP) generally in accordance with AS/NZS 14001. A copy of the plan shall be lodged with Council within three months of commencing operation. A report on progress in implementing the EMP shall be lodged with Council annually.

Reason

To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979.

87. The operator to cause an environmental risk assessment to be undertaken and an environmental risk management plan to be prepared and implemented generally in accordance with the Australian Standard for Risk Management (AS/NZS 4360:2004) to address the following aspect of environmental risk arising from the project:

- a) Identifying a comprehensive range of environmental risk scenarios in the transport, transfer and use of chemicals, other operational materials and wastes to, on and from the extrusion plant site;
- b) Prioritising the identified risks;
- c) Establishing treatment of identified risks at an appropriate level to ensure minimal impact on the ecology of the HEZ land and waters and surrounding areas and waters, including effective containment and cleanup measures in the event of any spill or unplanned release to the environment within the Cessnock City Council area;
- d) Establishing a monitoring mechanism to ensure the risks and treatments are adequately tracked, maintained and periodically reviewed;
- e) Ensuring the relevant elements of the plan are communicated to the appropriate parties likely to be involved in dealing with any unplanned event or situation presenting a risk (e.g. parties delivering chemicals to the extrusion site, and waste contractors removing solid or liquid wastes from the site);
- f) Addressing the risk of a hydrogen explosion in the die cleaning operation and the likely environmental impact of such an event; and
- g) Addressing any other issues of environmental risk the operator considers relevant to environmental protection related to the operations of the plant.

This plan shall be lodged with Council before operation commences and progress in its implementation reported to Council annually.

Reason

To ensure that the development, when constructed, will comply with the Environmental Planning and Assessment Act, 1979

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88. All parking including disabled and loading bays shall be permanently marked out on the pavement surface, with loading bays and visitor parking facilities shall be clearly indicated by signs prior to occupation of the building and for the life of the development.

Reason

To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

89. The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of signs and pavement markings prior to occupation of the building and for the life of the development.

Reason

To ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking spaces and driveway access and in the interest of traffic safety and convenience.

OPERATIONAL REQUIREMENTS

90. Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.

Reason

To ensure that the proposed/required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purposes.

91. There being no interference with the amenity of the neighbourhood by reason of the emission of any offensive noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

Reason

To prevent environmental pollution, to ensure observance of appropriate public health standards and to protect the existing amenity of the neighbourhood.

92. All loading and unloading of goods shall take place within the site and not from the footpath or roadway for the life of the development.

Reason

To ensure that loading and unloading of goods does not interfere with the use of public footpaths or roadways.

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ADVICE

1. The use of fossil fuel such as gas for replacement of electrical energy for process heating, curing and drying will trigger the need for a re-assessment of the air quality impact of the whole operation and lodgement of a new development application or Section 96 Application.
2. The introduction of any process to recover aluminium scrap or off-cut and process wastes on site will trigger the need for a re-assessment of air quality impact from the site and the lodgement of a new development application or Section 96 Application.
3. If the applicant proposes in future to introduce anodising to the site a new environmental impact assessment would be required with lodgement of a new development application or Section 96 Application.
4. Any subsequent Development Application for expansion of the site by development of Stage 2 shall require the submission of a traffic report which considers the operation of existing and proposed accesses to the land in conjunction with surrounding HEZ Traffic.
5. The applicant is advised that all owners and operators of any facility within the HEZ estate are required to be members of the HEZ Association in respect to implementation of the environmental strategies for the HEZ estate.
6. The applicant is advised that any proposed landscaping along the frontage of the site should not impede sight distance onto Stage 2 of the HEZ Spine Road.

SCHEDULE 2

DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE

General Terms of Approval (GTA)

The following GTA are provided in accordance with section 91A(2) of the *Environmental Planning & Assessment Act 1979* and section 70 (1)(a) of the *Environmental Planning and Assessment Regulation 2000*.

1. The applicant must apply for consent pursuant to section 90 of the *National Parks & Wildlife Act 1974 (NPWS Act)*, prior to disturbing, damaging or destroying Aboriginal objects that occur on the land subject of the development application.
2. The applicant must submit the following information to the DECC so that it can be considered in the process to determine the AHIP application (Section 90):

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- The applicant must seek the views of interested local Aboriginal groups on the methodology proposed in the AHIP application. The consultation should be undertaken in accordance with the DECC's *Interim Community Consultation Requirement's*. A report detailing the consultation process, findings, and how the views and opinions of the local Aboriginal community have been incorporated into the management and mitigation methods proposed must be provided to the DECC prior to processing a Section 90 application for the subject site.
- The applicant shall detail the management and mitigation strategies to be adopted for Aboriginal objects during the construction and operational phase of the development. The management and mitigation strategies should reflect the findings of the consultation program with the local Aboriginal community.
- The applicant shall provide representatives of the relevant Aboriginal groups with the opportunity to undertake salvage of the Aboriginal objects identified on the subject lands prior to the commencement of any substantial vegetation clearing and/or ground disturbing works.
- The applicant shall provide the LHWC, Mindarriba LALC and any other relevant Aboriginal group with the opportunity to participate in the Care and Control of Aboriginal cultural items salvaged from the site prior to the commencement of works.
- The applicant will provide to the DECC a map identifying all known Aboriginal sites (including all AHIMS registered sites) within the site subject to the development proposal and the surrounding area. The map must also include the development footprint, all drainage lines, north point, survey transects and the extent of all landforms including the Aeolian sands.
- The applicant must provide to the DECC the corrected co-ordinates for the Ullrich sites 1 and 2.
- The applicant must provide a detailed rationale to justify the survey methodology and location of survey transects. The rationale will include a description of the archaeological terrain units within the subject area and their association with the identified sites.

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It should be noted that the GTA apply only to the area subject to the proposed development as indicated by Figure 1-2 (page 3) of the Assessment. The GTA do not apply to the area identified for 'Future Development' as there is no archaeological information available to support the issuing of GTA for this aspect of the proposal, at this stage.

CARRIED

Councillors Ryan and Olsen wished to have their names recorded as having voted against the Motion

MOTION **Moved:** Councillor Davey **Seconded:** Councillor Pynsent
786

RESOLVED that the report of the Corporate & Regulatory Services Committee be
ADOPTED.

ORDINARY COUNCIL MEETING

OFFICER'S REPORTS

GENERAL MANAGER'S REPORT NO. 57/2007

**SUBJECT: REVIEW OF THE MANAGEMENT PLAN FOR QUARTER ENDING
30 SEPTEMBER 2007**

MOTION **Moved:** Councillor Pynsent **Seconded:** Councillor Smith
787

RESOLVED that:

1. The report be received.
2. The Quarterly Financial Review, as presented, be adopted as the revised budget for the 2007/08 year.

CARRIED

POLICY

GENERAL MANAGER'S REPORT NO. 58/2007

SUBJECT: GIFTS & BENEFITS POLICY

MOTION **Moved:** Councillor Besoff **Seconded:** Councillor Smith
788

RESOLVED that this Council performs to our own Code of Conduct as prescribed under the Local Government Act and all Councillors and Designated Persons adhere to the regulation of Section 449 of Local Government Act. Should this Section change (as it is under review) the policy will be reviewed.

Councillors Ryan and Olsen wished their names be recorded as having voted against the Motion.

GENERAL MANAGER'S REPORT NO. 59/2007

SUBJECT: INFORMATION NEWS SHEET

MOTION **Moved:** Councillor Pynsent **Seconded:** Councillor Davey

RESOLVED that the information be noted.

CARRIED

GENERAL MANAGER'S REPORT NO. 60/2007

SUBJECT: PROPOSED HUNTER COUNCILS LOCAL GOVERNMENT TRAINING INSTITUTE

MOTION **Moved:** Councillor Bedford **Seconded:** Councillor Pynsent

RESOLVED that the irrevocable guarantee for the purpose of enabling the purchase of land, building and fit out of the establishment of a Local Government Training Institute agreed to by Council at its meeting of 3 October 2007 be adjusted to \$152,437.

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

NOTICE OF MOTION

It is my intention to move at the meeting of 21 November 2007 the following:-

Motion

That the Council have its annual Christmas Party for 2007 immediately following the last full Council meeting for the Calendar year on December 12th.

The Christmas Party is to be an open and public function, which provides a light supper and drinks for all who attend.

Special invited guests at the Xmas party are;

- 1) the residents of the Cessnock Local Government area,
- 2) the State and Federal Members of Parliament who Council works with in a co-operative manner,
- 3) Councillors and Senior Council Staff and their invited guests,
- 4) all journalists who cover the civic business of Cessnock Council.

The Mayor will welcome guests and give a short speech on the meaning of Xmas.

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Ryan

The Motion was Put and **LOST**.

COUNCILLORS REPORTS

COUNCILLOR SMITH – COUNTRY PUBLIC LIBRARIES ASSOCIATION OF NSW CENTRAL EAST ZONE

Councillor Smith gave a progress report on action that is to be taken regarding the NSW State Government funding of public libraries – day of action. He also acknowledged the presence in the gallery of Councillor Ewan Tolhurst of Bogan Shire and the State President of Public Libraries NSW Country has dropped in on his way back to the central west.

He advised that the Newcastle Herald has also reported on the issue and KOFM have a series of news grabs.

At the Central East Zone meeting this coming Friday, there will be further media instruction every day. In the local libraries across the Zone, not just in our own Zone, there is a petition and a poster campaign going on and our libraries are active in that. The question was asked at the last meeting of the possibility of hiring a bus to take interested ratepayers to the rally next Thursday and Mr Eade and the General Manager have looked at the Library budget and assure me that based on the quotes they have receive from Rover Motors it is possible and the plan is, subject to no objection from Council for expressions of interest to be sought to travel to the rally and based on the number of people going, it will be either a 25 seater or a 49 seater. The cost of the hire will be met from the Library budget. This Council, as I have said, has been coordinating across the whole of the Central East Zone. There are significant contributions from all other Councils and the campaign is starting to have an impact both locally and in Macquarie Street.

ATTENDANCE AT LOCAL GOVERNMENT ADVISORY GROUP

Councillor Maybury advised of his attendance at the Local Government Advisory Group and advised that a presentation was given on the Water Campaign by the Executive Manager of ICLEI, which is a water saving option taken out by many Councils and many cities throughout Australia. He advised that he had a folder that can be looked at, and it is his belief that it is an issue that should be referred to Hunter Water regarding the possibility of installing some of the water saving devices to be used.

COUNCILLOR RYAN – ICAC BREAKFAST & WORKSHOP

Councillor Ryan advised of his attendance at the ICAC breakfast as did many others and the workshop afterwards for Councillors which was very good, Cr Davey was there as well.

QUESTIONS WITHOUT NOTICE

Councillor Ryan

CHRISTMAS PARTY

Question:

Councillor Ryan asked whether the amount of money that would be spent on his attending Council's Christmas party could be allocated to purchasing refreshments for him to hold a Christmas Party at the Council carpark at the conclusion of the next Council meeting. He also advised that all other Councillors and residents would be welcome to attend.

Answer:

The Mayor advised that the issue would need to come before Council as a Notice of Motion.

The Meeting was Declared Closed at 9.25pm

CONFIRMED AND SIGNED at the Meeting held on *12 December 2007*

..... **CHAIRMAN**

..... **GENERAL MANAGER**